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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/525,492 | 02/23/2005 | Stephane Olivier | MCA-615A US | 7491 |

25182 7590 09/28/2007
MILLIPORE CORPORATION
290 CONCORD ROAD
BILLERICA, MA 01821

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| EXAMINER |
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DRODGE, JOSEPH W

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| ART UNIT | PAPER NUMBER |
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1723

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| MAIL DATE | DELIVERY MODE |
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09/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/525,492 | Applicant(s) OLIVIER ET AL. | |
| | Examiner Joseph W. Drodge | Art Unit 1723 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9 and 16 is/are rejected.
- 7) ☒ Claim(s) 5, 8 and 10-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>0205</u> . | 6) <input type="checkbox"/> Other: ____ |

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Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of claims 6 and 7 "said reception head" lacks antecedent basis, the claims should apparently depend from claim 5.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Womack et al patent 5,092,988 in view of Hungerford et al patent 5,172,332. Womack discloses system or device for draining liquid from separation vessel 30 that is pumped by suction inducing pump 20, there is disclosed a weight sensor 50 coupled to a data processing and signaling device 60, the weight sensor mounts a drainage collection vessel 42 that also functions as a support to mount inlet pipe 41 thereto that is coupled to or supports membrane filter 40/41. The weight sensor, membrane filter and suction pump are all supportedly connected together by the various conduits 41,35 and 23.

The claims differ in requiring the data processing means to be coupled to a user interface and a controller that is operable for controlling from weight signals, operation of the suction pump. However, Hungerford teaches a liquid sampling system having a plurality of sensors, with the output signals from such sensors controlling multiple operations of sampling, including sample pumps and valves (column 4, lines 2-22). It would have been obvious to one of ordinary skill in the art to have expanded the Womack et al system/device to incorporate such user interface and controller, in order to reduce manpower requirements otherwise necessary to adjust and operate the sample pump and the valves, which would also be hazardous and time-consuming, since the system of Womack is designed to be operated in remote areas where injection and production wells are located. Another advantage of the Hungerford controller is to allow adjustable determination of sample times so as to more accurately quantitatively

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determine levels of contaminants, water quality and water flow rates from the water source being sampled (see column 3, line 66-column 4, line 3, and column 4, lines 34-42 of Hungerford).

Claims 2-4 are deemed largely narrative and do not require any further structural limitations.

Claims 6,7,9 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 5,8 and 10-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In claim 16 "said head support" lacks antecedent basis, dependence on claim 15 is indicated; the same is true of "the direction of operation of weight sensor in claim 9.

Each of claims 5-7 and 10-15 are deemed to distinguish in view of recitations of the support comprising a reception head or reception head support having one of a selectively operable valve, lockable connecting means, or removable fastening means.

Claims 8 and 16 respectively distinguish in view of the recited frame features with the frame being a separate unit from the support.

Claim 9 distinguishes in view of the mechanical support being coupled to the suction pump by a tubular member having at least one flexible portion extending perpendicularly to the direction of operation of weight sensor.

Any inquiry concerning this communication or earlier communications from

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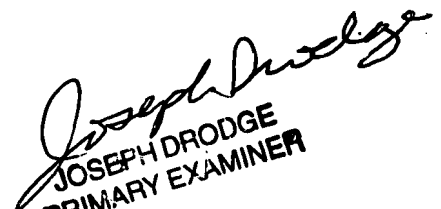
the examiner should be directed to Joseph Drodge at telephone number 571-272-1140. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Roy Sample, can be reached at 571-272-1376. The fax phone number for the examining group where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR, and through Private PAIR only for unpublished applications. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD

September 26, 2007


JOSEPH DRODGE
PRIMARY EXAMINER